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Plaintiffs CC International LLC and Hot Off
The Press, Inc.

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION

TOO MARKER PRODUCTS, INC., and
IMAGINATION INTERNATIONAL, INC.,

Plaintiffs and Counterclaim
Defendants,

v.

CC INTERNATIONAL LLC, AND HOT
OFF THE PRESS, INC.,

Defendants and Counterclaim
Plaintiffs.

No. 6:12-cv-00834-TC

**DECLARATION OF PAULETTE
JARVEY IN SUPPORT OF
DEFENDANTS' MOTION FOR
PARTIAL SUMMARY JUDGMENT**

I, Paulette Jarvey, declare that:

1. I am the President and co-owner of Defendant Hot Off The Press, Inc. ("HOTP"), and I make this declaration for and on behalf of HOTP in the matter referenced above and in support of Defendants' Motion for Partial Summary Judgment. I have personal knowledge of the matters contained herein.

1- DECLARATION OF PAULETTE JARVEY IN SUPPORT OF
DEFENDANTS' MOTION FOR PARTIAL SUMMARY
JUDGMENT
86860-0001/LEGAL25063094.2

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2. HOTP is an Oregon corporation that sells various craft related products, including markers, in the United States and internationally. The corporate headquarters and warehouses of HOTP are located in Canby, Oregon

3. HOTP buys product from CC International LLC (“Crafter’s Companion”) and sells that product to HOTP’s customers. HOTP promotes and sells HOTP products and third parties’ products to consumers through its Paper Wishes catalog and online at the website www.paperwishes.com. Attached hereto as Exhibit 1 are true and correct copies of selected pages from the www.paperwishes.com website. HOTP promotes HOTP products only to wholesale customers through its Hot Off The Press catalog and online at the website www.hotp.com.

4. As a craft product manufacturer and cataloguer, I am familiar with many brands of craft products, including markers. I exercise a high degree of care when choosing products, such as markers, to sell to my customers.

5. In approximately September 2011, HOTP purchased and received a shipment from Crafter’s Companion of approximately 2,100 sets of 6 Spectrum Noir markers with the indented end cap (“old Spectrum Noir marker”). HOTP has sold its entire inventory of the old Spectrum Noir marker. All subsequent shipments of Spectrum Noir markers from Crafter’s Companion have had an hourglass end cap shape (the “current Spectrum Noir markers”).

6. HOTP is not aware of any instances of actual confusion between either the old or current Spectrum Noir markers with the Copic marker.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

DATED this 8th day of November, 2012.

/s/ Paulette Jarvey
Paulette Jarvey

2- DECLARATION OF PAULETTE JARVEY IN SUPPORT OF
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